

REMARKS

Claim Rejections

Claims 18-19 are rejected under 35 U.S.C. § 102(e) as being anticipated by Himmel et al. (6,993,319). Claims 1-2, 5-7 and 10-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Son (2005/0197169) in view of Furter et al. (2005/0104732). Claims 14-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Seita (6,973,327) in view of Furter et al. Claims 3, 8 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Son and Furter as applied to claims 1, 5 and 10 above, and further in view of Arisawa et al. (2003/0141989). Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Seita and Furter as applied to claim 14 above, and further in view of Arisawa et al. Claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel as applied to claim 18 above, and further in view of Arisawa et al.

Claim Amendments

By this Amendment, Applicant has chosen to cancel claims 1-3, 6, 10-12, 14-16, and 18-20. Applicant has also amended claim 5 of this application to better protect what Applicant regards as the invention. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

Applicant's amended claims are directed toward: an apparatus for radio frequency identification, comprising: a supporter comprising a ***first slot and a second slot***, said supporter internally connected ***to a first antenna; a data card having a second antenna***; and a memory chip for storing data, ***said memory chip being configured to be selectively electronically connected to said second antenna*** by a contact on a surface of said memory chip, ***wherein said memory card is removable to be inserted in said first slot, said data card is configured to be inserted into said second slot, and said first antenna is configured to communicate with said second antenna***.

As a preliminary matter, Applicant notes that only Son and Furter were cited against claim 5. As a result, so as not to burden the record further, Applicant will not discuss each of the remaining secondary references in detail.

Son teaches a battery pack 100 for a mobile communication terminal 10 including a SIM-type connector 122 located for inserting a SIM-type smart card. It is important to note that, as shown in Fig. 1, the reference fails to teach a first slot and a second slot, much less a first slot for a memory chip and a second slot for a data card. As a result, the reference cannot be said to teach "wherein said memory card is removable to be inserted in said first slot, said data card is configured to be inserted into said second slot." Claim 1. Applicant further notes that, although the Examiner has stated that a smart card antenna is inherent (Applicant disagrees, see Fig. 2), the reference fails to teach anything about both a first antenna in the supporter and a second antenna on the data card with which the memory card is selectively in electrical contact with. It follows that the reference cannot be said to teach a "supporter internally connected to a first antenna; a data card having a second antenna; and a memory chip for storing data, said memory chip being configured to be selectively electronically connected to said second antenna by a contact on a surface of said memory chip." Claim 1.

Furter is cited as teaching an antenna. However, Applicant notes that the reference fails to provide the above-noted deficiencies of Son. Furthermore, with respect to the teachings of the other references, Himmel et al., Seita, and Arisawa, because they do not cure the basic deficiencies of the other references, their combination with the other prior art would not supply the missing teachings to render the claims obvious. So as not to burden the record further, Applicant will not discuss each of the aforesaid secondary references in detail except to state that Applicant does not necessarily acquiesce to any of the statements in the Office Action referring to such secondary references and reserve the right to comment later regarding the same, if necessary.

It would follow that, even if Son, Himmel et al., Seita et al, or Arisawa et al. were combined with Furter et al., the resulting combination would still not teach or suggest: an apparatus for radio frequency identification, comprising: a supporter comprising a first slot and a second slot, said supporter internally connected to a

first antenna; a data card having a second antenna; and a memory chip for storing data, said memory chip being configured to be selectively electronically connected to said second antenna by a contact on a surface of said memory chip, wherein said memory card is removable to be inserted in said first slot, said data card is configured to be inserted into said second slot, and said first antenna is configured to communicate with said second antenna.

It is axiomatic in U.S. patent law that, in order for the Examiner to reject claims as obvious under 35 U.S.C. § 103, the Examiner must first present a *prima facie* case of obviousness, including providing teaching from the art which clearly disclose each and every feature of the claimed structure, as well as a specific motivation or suggestion from the art. Applicant submits that it is abundantly clear, as discussed above, that the references, even when combined, do not disclose each and every feature of Applicant's claims and, therefore, could not possibly support a rejection of these claims under 35 U.S.C. § 103. Absent a specific showing of a *prima facie* case, the combined references cannot be said to render any of Applicant's claims unpatentable under 35 U.S.C. § 103.

In considering the above, the Examiner is respectfully reminded that in *In re Gordan*, USPQ 1125, 1127 (Fed. Cir. 1984) the court outlined that "[t]he mere fact that the prior art **could be so modified** would not have made the **modification** obvious unless the prior art **suggested the desirability of the modification**. *Emphasis added.*

Applicant submits that there is not the slightest suggestion in either Son, Himmel et al., Seita et al., Arisawa et al. or Furter et al. that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Son, Himmel et al., Seita et al., Arisawa et al., nor Furter et al. disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's claims.

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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